

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CORNELIUS PATTERSON, JR.,)	CASE NO. 3:22-cv-1116
)	
Petitioner,)	JUDGE CHARLES ESQUE FLEMING
)	
v.)	MAGISTRATE JUDGE
)	JAMES E. GRIMES JR.
WARDEN HAROLD MAY,)	
)	
Respondent.)	OPINION AND ORDER ADOPTING
)	MAGISTRATE’S REPORT AND
)	RECOMMENDATION

On June 24, 2022, Petitioner Cornelius Patterson, Jr. (“Petitioner”) filed a *pro se* Petition for Writ of Habeas Corpus (“Petition”), pursuant to 28 U.S.C. § 2254. (ECF No. 1). Subsequently, Respondent Warden Harold May (“Respondent”) filed a Return of Writ, (ECF No. 6), and Petitioner filed a traverse, (ECF No. 14, PageID #726–43). On March 21, 2024, Magistrate Judge James E. Grimes Jr. issued a Report and Recommendation (“R&R”) recommending that the Court dismiss the Petition. (ECF No. 19).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to a Magistrate Judge's R&R within 14 days after service. The R&R also gave the parties notice of the 14-day time limit for filing objections. (*Id.* at PageID #781). After the 14-day deadline to file objections had elapsed, Petitioner, now proceeding with counsel, filed a Motion for Leave to File Objections on April 18, 2024. (ECF No. 18). The Court granted the motion and ordered Petitioner to file any objections to the R&R by May 7, 2024. (ECF dkt. entry dated Apr. 18, 2024). On April 28, 2024, Petitioner moved for an extension of time to file objections until May 28, 2024. (ECF No. 22). The Court granted the extension and warned Petitioner that no further extension would be granted absent

extraordinary circumstances. (ECF dkt. entry dated Apr. 30, 2024). The May 28, 2024 deadline has elapsed without Petitioner having filed any objections to the R&R.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the R&R to which the parties have objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt a R&R without further review. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141–42 (1985).

There being no objections, the Court **ADOPTS** Magistrate Judge Grimes’s R&R, incorporates it fully herein by reference, and **DISMISSES** the Petition. The Court also **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision cannot be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

Date: May 29, 2024



CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE